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**RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

\_\_\_\_\_)  
IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

ADMINISTRATIVE ACTION

JEFFREY L. SCHUPPER, D.M.D.,  
MICHAEL S. AYES, D.D.S., RICHARD  
L. RUSH, D.D.S.

**CONSENT ORDER**

TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY  
\_\_\_\_\_)

**CERTIFIED TRUE COPY**

This matter was first opened to the State Board of Dentistry upon the filing of an Order to Show Cause and Administrative Complaint filed September 28, 1999 by John J. Farmer, Jr., Attorney General of New Jersey, by Anthony P. Kearns, III, Deputy Attorney General.

The Complaint alleged that the Respondents' dental office, Modern Dental Concepts, located at 1745A Deptford Center Road, Deptford, New Jersey 08096 was maintained in an unsanitary condition. The Complaint further alleged that unsanitary conditions existed at the said office since December of 1996

constituting gross and repeated acts of negligence pursuant to N.J.S.A. 45:1-21 (c) and (d) and N.J.S.A. 45:6-7(d).

Following the filing of the Order to Show Cause, within several days, the Respondents cleaned and repaired the office at 1745A Deptford Center Road, Deptford, New Jersey to the satisfaction of the Board of Dentistry upon reinspection.

The Respondents have closed the practice at the 1745A Deptford Center Road, Deptford, New Jersey 08096 location and now operate a new facility at the Plaza at Deptford, 1450 Clements Bridge Road, Deptford, New Jersey 08096. This new facility has not been subject to any complaint.

The parties have agreed to a resolution of this matter without the necessity for further proceeding and it appears that Respondents have read and agreed to abide by the terms of this Order. It further appears that this Order is adequately protective of the public interest, and good cause therefore existing for the entry of this Order.

IT IS ON THIS 21<sup>st</sup> day of March, 2001,

ORDERED THAT:

1. Respondents Michael S. Ayes, D.D.S., Richard L. Rush, D.D.S. and Jeffrey L. Schupper, D.M.D. are hereby reprimanded by the Board of Dentistry for the violations specified above.

2. Respondents Michael S. Ayes, D.D.S., Richard L. Rush, D.D.S. and Jeffrey L. Schupper, D.M.D. shall each take seven (7)

hours of continuing education in OSHA/Infection control related courses over and above those required for license renewal. This requirement may be satisfied by an OSHA/Infection control course taken subsequent to October 6, 1999, the return date of the Order to Show Cause, subject to the approval of the Board.

3. Respondents Michael S. Ayes, D.D.S., Richard L. Rush, D.D.S. shall each pay civil penalties in the amount of \$5,000.00 and Jeffrey L. Schupper, D.M.D. shall pay a civil penalty in the amount of \$2,500.00. Payment of the civil penalties shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board upon entry of this Consent Order.

4. Respondents Michael S. Ayes, D.D.S. and Richard L. Rush, D.D.S. shall pay investigative costs in the amount of \$5,249.82. Respondents Michael S. Ayes, D.D.S. and Richard L. Rush, D.D.S. are jointly and severally liable for the payment of costs. Payment of costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board upon entry of this Consent Order.

5. Respondents Michael S. Ayes, D.D.S., Richard L. Rush, D.D.S. and Jeffrey L. Schupper, D.M.D. shall permit, at their sole expense, the unannounced inspections of the dental office premises at 1450 Clements Bridge Road, Deptford, New Jersey for two years following the entry of this Order.

State Board of Dentistry

By: Barbara Ann Rich, D.D.S.  
Barbara A. Rich, D.D.S.  
President

I have read and understood the foregoing  
Order and agree to be bound by its terms

Michael S. Ayes, D.D.S.  
Michael S. Ayes, D.D.S.

Richard L. Rush, D.D.S.  
Richard L. Rush, D.D.S.

Jeffrey L. Schupper, D.M.D.  
Jeffrey L. Schupper, D.M.D.

Consent as to form.

Jeffrey D. Light, Esq.  
Jeffrey D. Light, Esq.